

Senate Study Bill 1080

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
INFORMATION TECHNOLOGY BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for the performance of criminal background
2 investigations and the submission of arrest information with
3 regard to specified individuals employed by the state in an
4 electronic information systems capacity.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 1332XD 80
7 rn/pj/5

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1 1 Section 1. NEW SECTION. 14B.110 CRIMINAL BACKGROUND
1 2 CHECKS.
1 3 1. a. The department, with the assistance of the
1 4 departments of personnel and public safety, and each
1 5 individual state agency, shall identify job classifications
1 6 and positions within the individual state agencies that
1 7 involve the assignment of duties and job responsibilities to
1 8 state employees that place state government electronic
1 9 information systems and networks under their discretion and
1 10 control. Functional areas in which individuals with such
1 11 duties and job responsibilities may be employed shall include,
1 12 but not be limited to, system administration, network
1 13 administration, information security, database administration
1 14 and programming, application development, and mainframe
1 15 operation.
1 16 b. An individual state agency shall provide for the
1 17 completion of a criminal background check prior to employing
1 18 an individual in a classification or position identified in
1 19 paragraph "a", and at five-year intervals following
1 20 employment. Individuals who are employed in the identified
1 21 classifications and positions on the effective date of this
1 22 Act, who do not have criminal background investigation results
1 23 on file with the agency within which they are employed, shall
1 24 be subject to a criminal background check, to be completed no
1 25 later than January 1, 2004.
1 26 2. A criminal background check under this section shall be
1 27 conducted by the division of criminal investigation of the
1 28 department of public safety and shall include a national
1 29 criminal history check through the federal bureau of
1 30 investigation. The screening of employees through the federal
1 31 bureau of investigation shall be conducted by submission of
1 32 fingerprints through the state criminal history repository to
1 33 the federal bureau of investigation.
1 34 3. a. In the event that an individual employed in a job
1 35 classification or position described in subsection 1 is
2 1 arrested, the individual shall within seventy-two hours
2 2 following the arrest provide or cause to be provided to the
2 3 employing agency information detailing any charges relating to
2 4 the arrest, the time and location of the arrest, the name of
2 5 the investigating or arresting law enforcement agency, and, if
2 6 incarceration occurs, the amount of any bail or bond and the
2 7 date upon which the individual was received, discharged, or
2 8 transferred from the arresting agency's custody.
2 9 b. The information required pursuant to paragraph "a" may
2 10 be withheld if it is determined that disclosure would
2 11 interfere with pending or contemplated law enforcement
2 12 proceedings, endanger the life or physical safety of law
2 13 enforcement or correctional personnel or any other person, or
2 14 compromise the security of a correctional facility. If the
2 15 provisions of this paragraph do not apply, failure to provide
2 16 the information required in paragraph "a" within the
2 17 prescribed time frames may result in disciplinary action by
2 18 the employing agency up to, and including, termination or
2 19 discharge of the employee.
2 20 EXPLANATION
2 21 This bill provides for the performance of criminal

2 22 background checks and submission of arrest information with
2 23 regard to specified individuals employed by the state in an
2 24 electronic information systems capacity.
2 25 The bill provides that the information technology
2 26 department, with the assistance of the departments of
2 27 personnel, public safety, and the applicable state agency,
2 28 shall identify job classifications that assign
2 29 responsibilities to state employees that place state
2 30 government electronic information systems and networks under
2 31 their discretion and control. The bill provides that
2 32 functional areas in which such job classifications would be
2 33 likely to occur include, but are not limited to, system
2 34 administration, network administration, information security,
2 35 database administration and programming, application
3 1 development, and mainframe operation.
3 2 The bill provides that individual agencies shall provide
3 3 for the completion of criminal background checks prior to
3 4 hiring individuals in the identified classifications and at
3 5 five-year intervals following employment. The bill provides
3 6 that individuals who are employed in the identified
3 7 classifications on the effective date of the bill who do not
3 8 have criminal background check results on file with their
3 9 employing agency shall submit to a criminal background check
3 10 to be completed by January 1, 2004.
3 11 The bill provides that the criminal background check shall
3 12 be conducted by the division of criminal investigation of the
3 13 department of public safety and shall include a national
3 14 criminal history check through the federal bureau of
3 15 investigation. The bill provides for the submission of
3 16 employee and prospective employee fingerprints through the
3 17 state criminal history repository to the federal bureau of
3 18 investigation.
3 19 The bill additionally provides for the submission of
3 20 information relating to the arrest of an employee by the
3 21 employee within 72 hours following the arrest, unless that
3 22 disclosure would interfere with law enforcement proceedings,
3 23 endanger the life or physical safety of law enforcement or
3 24 correctional personnel or any other person, or compromise the
3 25 security of a correctional facility. The bill provides that
3 26 an employee who is required to provide the information and
3 27 fails to do so within the prescribed time frames may be
3 28 subjected to disciplinary action up to, and including,
3 29 termination or discharge.
3 30 LSB 1332XD 80
3 31 rn/pj/5